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BEFORE THE
ILLINOIS COMMERCE COMMISSION

EFFINGHAM EQUITY,)	DOCKET NO.
)	T10-0039
Petitioners,)	
)	
-vs-)	
)	
DOUGLAS COUNTY, ILLINOIS; ARCOLA)	
TOWNSHIP ROAD DISTRICT - ARCOLA)	
TOWNSHIP (DOUGLAS COUNTY),)	
ILLINOIS; ILLINOIS CENTRAL)	
RAILROAD CO.; and ILLINOIS)	
DEPARTMENT OF TRANSPORTATION,)	
ILLINOIS,)	
)	
Respondents.)	
)	
Petition for permission to re-open)	
grade crossing of public highways)	
and streets with railroad tracks)	
(rail spur).)	

Springfield, Illinois
Tuesday, July 27, 2010

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. JOSEPH O'BRIEN, Administrative Law Judge

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1	I N D E X				
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	DENNIS MONTAVON				
5	By Mr. Ellis	16			
6	JAMES CRANE				
7	By Mr. Ellis	30			
8					
9					
10		<u>EXHIBITS</u>			
11			<u>MARKED</u>	<u>ADMITTED</u>	
12	Petitioner's 1		19	44	
13	Petitioner's 2		20	44	
14	Petitioner's 3		22	44	
15	Petitioner's 4		22	44	
16	Petitioner's 5		24	44	
17	Petitioner's 6		25	44	
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19	Petitioner's 8		32	44	
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21	Petitioner's 10		35	44	
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PROCEEDINGS

JUDGE O'BRIEN: Pursuant to the authority vested in me by the Illinois Commerce Commission, I now call Case Number T10-0039 being the petition of Effingham Equity, Petitioner, versus Douglas County, Illinois; Arcola Township Road District, Arcola Township (Douglas County), Illinois; Illinois Central Railroad Company; and the Illinois Department of Transportation as Respondents. This is a petition for permission to reopen a grade crossing of public highways and streets with a railroad track or spur.

Will the parties please enter their appearances?

MR. ELLIS: Jon K. Ellis, attorney for the Petitioner Effingham Equity, 1035 South Second Street, Springfield, Illinois 62704. Phone number is area code (217) 528-6835.

MR. MONTAVON: Dennis Montavon.

MR. BERMAN: Jeremy Berman, B-E-R-M-A-N, of Fletcher and Sippel on behalf of the Illinois Central Railroad Company. Address is 29 North Wacker Drive, Suite 920, Chicago, Illinois 60606. Phone number is

1 (312) 252-1500.

2 MR. CRANE: James E. Crane, C-R-A-N-E, Douglas
3 County Engineer, Douglas County Highway Department,
4 200 South Prairie Street, Tuscola, Illinois 61953.
5 Phone number is (217) 253-2113.

6 MR. MORRIS: James Morris representing the
7 Department of Transportation at 2300 South Dirksen
8 Parkway, Springfield, Illinois 62764. I am filling
9 in for Jason Johnson, Bureau of Local Roads and
10 Streets.

11 MR. VON DE BUR: Joe Von De Bur, Railroad
12 Safety Specialist with the Illinois Commerce
13 Commission, 527 East Capitol Avenue, Springfield,
14 Illinois 62701.

15 JUDGE O'BRIEN: Are there any other
16 appearances? Let the record show none.

17 We are now then ready to proceed to
18 the merits. How many witnesses will we have this
19 morning?

20 MR. ELLIS: Two, Your Honor.

21 JUDGE O'BRIEN: Two. Okay. Both please stand
22 and raise your right hand.

1 (Whereupon the witnesses were
2 duly sworn by Judge O'Brien.)

3 JUDGE O'BRIEN: You may just keep your seat
4 there to testify. Just make sure that you speak
5 loudly enough so the reporter can hear you. If your
6 answer to a question is yes or no, enunciate it
7 rather than nodding your head. Okay?

8 Proceed.

9 MR. ELLIS: Judge, here is a copy of the
10 exhibits that will be used.

11 DENNIS MONTAVON
12 called as a witness on behalf of Petitioner, having
13 been first duly sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY MR. ELLIS:

17 Q. Mr. Montavon, would you please state your
18 name for the record.

19 A. Dennis Montavon.

20 Q. And where are you employed?

21 A. Effingham Equity.

22 Q. And what exactly is your job title?

1 A. I am general manager and appointed
2 secretary to the board of directors.

3 Q. And how long have you been in that
4 position?

5 A. Twenty-two years.

6 Q. Would you please briefly describe the
7 business operations of Effingham Equity?

8 A. It is a cooperative, agriculture
9 cooperative, formed in 1919, and there is
10 approximately 4600 stockholders that own the company.

11 Q. And what particular business operation does
12 Effingham Equity engage in on a daily basis?

13 A. We are in the retail agriculture business
14 supplying crop inputs, feed, petroleum, and handling
15 grain for local farmers in about a 17 county area
16 around Effingham, Illinois.

17 Q. What project are you currently supervising
18 in Douglas County on behalf of Effingham Equity?

19 A. We are wanting to build a new facility at
20 Galton, Illinois, that would be able to supply farm
21 supply ag inputs to local farmers in that market. We
22 would have a facility there that would store

1 fertilizer, anhydrous ammonia, ag chemicals, and the
2 facilities to supply local farmers.

3 Q. Have any particular governmental or private
4 entities assisted Effingham Equity in the development
5 of this project?

6 A. Yes.

7 Q. And where exactly in Douglas County is this
8 proposed facility located?

9 A. It is on Route 45 about four miles north of
10 Arcola.

11 Q. And is it referred to as a particular site
12 by any name?

13 A. Galton.

14 Q. Galton, the Galton facility?

15 A. Yes.

16 Q. What particular improvements have been made
17 to the Galton facility site?

18 A. We have purchased property there for the
19 facility and have a lease arrangement on the railroad
20 property for the spur track.

21 Q. What remains to be done in order for this
22 facility to become operational?

1 A. To improve the crossing so that the spur
2 track can be installed.

3 Q. What particular freight will be delivered
4 to this facility?

5 A. Fertilizer in dry form and liquid form.

6 Q. And does your company have any projection
7 as to how many rail cars per year will be utilizing
8 the Galton facility?

9 A. Probably a minimum of about 187 cars up to
10 374 cars.

11 Q. Okay. And who particularly will be the
12 customers at the Galton facility?

13 A. The local farmers in that community.

14 Q. Okay. Dennis, I am going to show you
15 what's been marked for purposes of identification as
16 Petitioner's Exhibit 1.

17 (Whereupon Petitioner's Exhibit
18 1 was presented for purposes of
19 identification as of this date.)

20 Do you recognize that document?

21 A. Yes.

22 Q. Can you tell me what that is?

1 A. That's the main line and spur line at the
2 Galton site.

3 Q. Is there a date that appears anywhere on
4 that document?

5 A. Yes.

6 Q. What is that date?

7 A. Oh, yes, June 9 of 2000.

8 Q. 2000. Do you recall where you obtained
9 this document?

10 A. Yes, from the Douglas County Engineer.

11 Q. And does this appear to be a copy of an
12 original document?

13 A. Yes.

14 Q. And do you recall was this document
15 attached to the petition that you filed in this case?

16 A. Yes.

17 Q. All right. Thank you. Dennis, I am now
18 going to show you what's been marked for purposes of
19 identification as Petitioner's Exhibit Number 2.

20 (Whereupon Petitioner's Exhibit
21 2 was presented for purposes of
22 identification as of this date.)

1 Do you recognize that document?

2 A. Yes.

3 Q. Could you tell me what that is?

4 A. It's the U.S. DOT crossing inventory

5 information.

6 Q. Is there a date on that document?

7 A. Yes.

8 Q. And what is that date?

9 A. 11/18/2009.

10 Q. And do you recall where you obtained this

11 document?

12 A. Douglas County.

13 Q. All right. And is this document, does it

14 appear to be a copy of an original document?

15 A. Yes.

16 Q. And did you also attach a copy to the

17 petition that you filed in this case?

18 A. Yes.

19 Q. All right. Handing you now what's been

20 marked for purposes of identification as Petitioner's

21 Exhibit Number 3.

22

1 (Whereupon Petitioner's Exhibit
2 3 was presented for purposes of
3 identification as of this date.)
4 Do you recognize that document?
5 A. Yes.
6 Q. And can you tell me what that is?
7 A. It's the U.S. DOT crossing inventory form.
8 Q. And is it dated?
9 A. Yes.
10 Q. And what is that date?
11 A. 6/28/2010.
12 Q. Do you recall where you obtained that
13 document from?
14 A. Douglas County engineer.
15 Q. And does it also appear to be a copy of an
16 original?
17 A. Yes.
18 Q. Now I am handing you what's been marked for
19 purposes of identification as Petitioner's Exhibit
20 Number 4.
21 (Whereupon Petitioner's Exhibit
22 4 was presented for purposes of

1 identification as of this date.)

2 Do you recognize that document?

3 A. Yes.

4 Q. And what is that?

5 A. It is a memo that was sent to the Illinois

6 Department of Transportation explaining the cost of

7 the project, the timeline of the project, and also

8 the additional employment that it should bring to

9 Douglas County when it is complete.

10 Q. And can you tell me who wrote that memo?

11 A. Dennis Montavon.

12 Q. That is you?

13 A. Yes.

14 Q. And can you tell me the date on that memo?

15 A. Yes, 10/5/2009.

16 Q. And reviewing that document is there a

17 projected cost for the Galton facility?

18 A. Yes. The total cost between 5,452,000 to

19 6,129,000.

20 Q. And does it also include some employment

21 levels projected for the facility?

22 A. Yes, yes.

1 Q. And can you just give us an indication of
2 what the numbers are?

3 A. Phase 1 would be seven full time employees
4 and 10 seasonal for a total of 17. And over the next
5 four years when the plant was in full operation, it
6 should have 15 full time employees and 13 seasonal
7 for a total of 28 employees.

8 Q. I am now handing you what's been marked for
9 purposes of identification as Petitioner's Exhibit
10 Number 5.

11 (Whereupon Petitioner's Exhibit
12 5 was presented for purposes of
13 identification as of this date.)

14 Do you recognize that document?

15 A. Yes.

16 Q. And could you tell me what it is?

17 A. It is a shot, an overhead shot, of the
18 facility, and in it is an outlay of what assets would
19 be put in there in buildings and tanks and things
20 like that.

21 Q. Do you recall where you received this
22 document from?

1 A. Yes, Douglas County engineering.

2 Q. Again, does it appear to be a copy of an
3 original document?

4 A. Yes.

5 Q. And is this attached to your petition that
6 was filed in this case?

7 A. Yes.

8 Q. Now showing you what's been marked for
9 purposes of identification as Petitioner's Exhibit
10 Number 6.

11 (Whereupon Petitioner's Exhibit
12 6 was presented for purposes of
13 identification as of this date.)

14 Do you recognize that document?

15 A. Yes.

16 Q. And what is that document?

17 A. It is -- we retained Design Nine, an
18 engineering firm, to lay out the spur track to the
19 specifications of the CN Railroad so that this
20 product could be brought in on a track to their
21 specifications.

22 Q. And can you tell us a little bit about the

1 relationship between Effingham Equity and Design
2 Nine?

3 A. We retained them to do the project to meet
4 the CN's specifications.

5 Q. Is there a date that appears on that
6 document?

7 A. Yes.

8 Q. And exactly where did you get this document
9 from?

10 A. Design Nine.

11 Q. Does this appear to be a copy of an
12 original?

13 A. Yes.

14 MR. ELLIS: Judge, at this point I am going to
15 jump to Exhibit 13.

16 Q. Dennis, I am now handing you what's been
17 marked for purposes of identification as Petitioner's
18 Exhibit Number 13.

19 (Whereupon Petitioner's Exhibit
20 13 was presented for purposes of
21 identification as of this date.)

22 Can you tell me what that document is?

1 A. It is an existing-proposed traffic count
2 for that road.

3 Q. That road meaning what road?

4 A. TR 119 (600 North).

5 Q. Okay. And the corrected TR stands for
6 Township Road?

7 A. Yeah.

8 Q. Do you recall where you received that
9 particular document from?

10 A. From Douglas County engineering.

11 Q. Does that also appear to be a copy of an
12 original document?

13 A. Yes.

14 Q. And do you recall was that document
15 attached to the petition you filed in this case?

16 A. Yes.

17 Q. I am handing you what has been marked for
18 purposes of identification as Petitioner's Exhibit
19 Number 14.

20 (Whereupon Petitioner's Exhibit
21 14 was presented for purposes of
22 identification as of this date.)

1 Do you recognize that document?

2 A. Yes.

3 Q. What is that document?

4 A. It is a layout of the proposed rail

5 crossing for that facility.

6 Q. Do you recall where you received that

7 document from?

8 A. The CN Railroad.

9 Q. And is there a date that appears anywhere

10 on that document?

11 A. Yes.

12 Q. And what is that date?

13 A. It is January 13, 1998.

14 Q. Is there a second date there?

15 A. July 9, 2010.

16 Q. And does that appear to be a copy of an

17 original document?

18 A. Yes.

19 Q. Dennis, I am now showing you what's been

20 identified as Petitioner's Exhibit Number 15 for

21 identification.

22

1 (Whereupon Petitioner's Exhibit
2 15 was presented for purposes of
3 identification as of this date.)
4 Can you identify that document? Do you
5 recognize it?
6 A. Yes.
7 Q. And what is it?
8 A. It is the Illinois Central Railroad Company
9 highway-rail grade crossing signal estimate.
10 Q. Okay. And is there a date that appears
11 anywhere on that document?
12 A. Yes, July 14, 2010.
13 Q. And in reviewing that document what is the
14 proposed designated cost?
15 A. \$36,489.
16 Q. And does that also appear to be a copy of
17 an original document?
18 A. Yes.
19 MR. ELLIS: Judge, at this time I have no
20 further exhibits to present to Mr. Montavon. I do
21 have Mr. Crane, the Douglas County engineer, if you
22 would like me to proceed with him or if you would

1 like questions of Mr. Montavon at this point?

2 JUDGE O'BRIEN: Do you have any questions of

3 this witness?

4 MR. BERMAN: We have no questions.

5 MR. VON DE BUR: No, Your Honor.

6 JUDGE O'BRIEN: All right. Proceed.

7 JAMES CRANE

8 called as a witness on behalf of Petitioner, having

9 been first duly sworn, was examined and testified as

10 follows:

11 DIRECT EXAMINATION

12 BY MR. ELLIS:

13 Q. Mr. Crane, at this time I am going to hand

14 you what's been marked for purposes of identification

15 as Petitioner's Exhibit Number 7.

16 (Whereupon Petitioner's Exhibit

17 7 was presented for purposes of

18 identification as of this date.)

19 Do you recognize that document?

20 A. Yes.

21 Q. And could you tell us what that document

22 is?

1 A. This is the economic development TARP
2 agreement. It is actually BLR Form 5322. It is what
3 we entered into the economic development program
4 through the Illinois Department of Transportation to
5 help fund the roadway and infrastructure improvements
6 on right-of-way on Route 45 and 600 North.

7 Q. Now, when you say "we entered into," who
8 exactly is we?

9 A. Actually, we would be the Douglas County
10 Board in Douglas County.

11 Q. And entered into this agreement with?

12 A. With the State of Illinois, IDOT.

13 Q. Illinois Department of Transportation,
14 okay. Is there a date that appears on that document?

15 A. Yes. There is actually a couple. The
16 local agency -- Chuck Knox, our board chairman,
17 approved the agreement on 4/21/2010. It was approved
18 by Christine M. Reed, Director of Highways, Chief
19 Engineer, on June 5, 2010. Ellen J.
20 Schanzle-Haskins, Chief Counsel, approved it on June
21 2, 2010, and James C. McDaniel approved it on June 4,
22 2010, and it was ultimately approved by Secretary

1 Hanning on June 17, 2010.

2 Q. And have you had a chance to review this
3 document before today's hearing?

4 A. Yes. The actual BLR form and most of the
5 attachments was produced by myself in my office.

6 Q. Okay. And does that appear to be, what I
7 have handed you, a copy of the original document?

8 A. It is definitely a copy.

9 Q. Okay. I am going to hand you what has been
10 identified for purposes of identification as
11 Petitioner's Exhibit Number 8.

12 (Whereupon Petitioner's Exhibit
13 8 was presented for purposes of
14 identification as of this date.)

15 Do you recognize that document?

16 A. Yes. This is the local agency company
17 agreement that's required by the Illinois Department
18 of Transportation. It is to do a full execution of
19 the TARP agreement and the Economic Development
20 agreement.

21 Q. And just for clarification purposes, what
22 does the acronym TARP stand for?

1 A. TARP is Truck Access Route Program. It is
2 a state program to give local agencies the ability to
3 upgrade to an 80,000 pound route from the design
4 standard of a 72,380. So it gives a little extra
5 money to add strength to the roadway.

6 Q. Could you clarify the pound weight that you
7 just stated?

8 A. It is 80,000 pounds which would be 40 tons
9 which currently the law is it is 80,000 pound truck
10 routes everywhere, but IDOT policy hasn't quite
11 caught up to the law. So the design standards for
12 pavement are at a lesser rate. But since this is a
13 truck facility going on to a major truck route on
14 U.S. Route 45, we are going to build the pavement
15 segment to handle that 80,000 pound truckload.

16 MR. ELLIS: And, Judge, I apologize but I want
17 to go back and ask some preliminary questions of
18 Mr. Crane.

19 Q. Mr. Crane, exactly what is your job title?

20 A. I am the Douglas County Engineer.

21 Q. And how long have you been in that
22 position?

1 A. I have been there -- October 1 will be
2 eight years.

3 Q. And you have been actively involved in the
4 proposed development of the Galton facility?

5 A. Yes, sir.

6 Q. Is there a date that appears on
7 Petitioner's Exhibit Number 8?

8 A. Yes, it looks like the company agreement
9 was entered into agreement on the 21st day of April
10 of 2010 and it was approved -- it was actually signed
11 by Effingham Equity, Mr. Montavon, on 4/7/2010 and it
12 was again approved by Mr. Charles Knox, the Douglas
13 County Board Chairman, on 4/21/2010.

14 Q. All right. Mr. Crane, I am now handing you
15 what's been marked for purposes of identification as
16 Petitioner's Exhibit 9.

17 (Whereupon Petitioner's Exhibit
18 9 was presented for purposes of
19 identification as of this date.)

20 Do you recognize that document?

21 A. Yes. This is the resolution establishing a
22 Class 2 or Class 3 designated truck route. It is

1 actually BLR Form 03210, one of the Illinois
2 Department of Transportation's standard forms.

3 Q. Okay. Is there a date that appears on
4 that?

5 A. Yes, this is approved by the Douglas County
6 Board, signed by Mr. Charles Knox, the County Board
7 Chairman, and attested by James A. Ingram, the
8 Douglas County Clerk, on April 21, 2010.

9 Q. And have you seen that document before
10 today's hearing?

11 A. Yes, I actually produced this document.

12 Q. Okay, great. Now showing you what's been
13 marked for purposes of identification as Petitioner's
14 Exhibit Number 10, do you recognize that document?

15 (Whereupon Petitioner's Exhibit
16 10 was presented for purposes of
17 identification as of this date.)

18 A. Yes. This is the -- all three sheets are
19 part of the intersection design study that we are
20 required to do for the intersection improvements on
21 U.S. 45 at TR 119.

22 Q. Okay. Could you briefly describe for the

1 Judge the proposed improvements that are to take
2 place at the Galton facility?

3 A. Yes, sir. With the increased truck traffic
4 that is going to be coming off of Route 45 onto the
5 little -- it is about a 1500-foot long improvement on
6 TR 119 actually to the facility at Effingham Equity.
7 For safety reasons, with truck traffic being that
8 close to the railroad tracks when the signals aren't
9 down, we did add storage as far as northbound and
10 southbound left turn lanes to separate the traffic
11 stream and then for the northbound traffic a right
12 turn drop lane.

13 There has been a history of accidents
14 in that location before the increased traffic will
15 come into play. So the original agreement with the
16 State for the Economic Development funds was to add
17 these turn lanes as a safety improvement. So this
18 document basically, to go through the design process
19 with the Bureau of Design and Environment for the
20 State of Illinois, we had to produce the warrants or
21 actually do the intersection study, traffic capacity
22 analysis, and all those kind of things. So this

1 document represents the final approval by IDOT, what
2 was done and what we plan to do, and actually this is
3 what the roadway will look like when we construct it.

4 Q. Would it be fair to say that you have
5 visited this site on somewhat of a regular basis?

6 A. Yes. I did all the preliminary engineering
7 for the site myself, and I have done all the design
8 work in-house for it.

9 Q. Could you briefly describe the
10 improvements, the highway road improvements, that
11 will occur in conjunction with the rail lines?

12 A. The rail lines, that roadway currently is
13 an oil and chip roadway on a very limited sub base
14 material. So we are going to totally reconstruct the
15 alignment from Route 45 to the east edge of Effingham
16 Equity's proposed property to service their
17 driveways. It is going to be, I believe, a seven and
18 a half inch asphalt segment with line modified soil.
19 And then at the railroad crossing itself we are going
20 to have curb and gutter up to the tracks. We are
21 going to -- we are building it within ICC standards
22 and policies and IDOT policies, and then everything

1 will meet all the design guidelines and standards and
2 statutes when we are done.

3 Q. Pursuant to the EDP and the TARP
4 agreements, who has responsibility to pay for the
5 extension of this spur line?

6 A. Since it is infrastructure on the
7 right-of-way and to include the signal relocation,
8 the way the agreement is we have a line item to cover
9 the crossing improvements and the signal relocation
10 work. And since it is on a township portion of the
11 roadway, under the EDP agreement it is a cost shared
12 by the State Department of Transportation as per the
13 executed agreement at 50 percent of the total cost.

14 Q. And who will be paying the other 50
15 percent?

16 A. Effingham Equity.

17 Q. Okay. Mr. Crane, I am now going to show
18 you what's been marked for purposes of identification
19 as Petitioner's Exhibit Number 11.

20 (Whereupon Petitioner's Exhibit
21 11 was presented for purposes of
22 identification as of this date.)

1 Do you recognize that document?

2 A. Yes.

3 Q. And what is that document?

4 A. This is the appendix that we had in the

5 original -- it provided for the developer for the

6 original petition, just to show what was going on at

7 the crossing across the tracks, the IC tracks, in the

8 proposed spur line.

9 Q. Do you recall to the best of your

10 recollection whether or not that document was

11 attached to the petition filed in this case?

12 A. Yes, it was.

13 Q. Is there a date on that copy?

14 A. It's got a revision date of 4/20/2010.

15 Q. And do you recall who prepared that

16 document?

17 A. I prepared this.

18 Q. Does that appear to be a copy of the

19 original?

20 A. It is definitely a copy.

21 Q. Mr. Crane, I am showing you what's been

22 marked for purposes of identification as Petitioner's

1 Exhibit Number 12.

2 (Whereupon Petitioner's Exhibit
3 12 was presented for purposes of
4 identification as of this date.)

5 Do you recognize that document?

6 A. Yes, I do.

7 Q. And what is that document?

8 A. This is the preliminary project cost and
9 funding breakdown that was attached to the original
10 Economic Development Program application that was
11 submitted back in, I would say, around December to
12 the IDOT for review and approval.

13 Q. December of 2009?

14 A. 2009, yes.

15 Q. Do you know who prepared that document?

16 A. I prepared this.

17 Q. Does that appear to be a copy of the
18 original?

19 A. It is a copy.

20 Q. Handing you what's been marked for purposes
21 of identification as Petitioner's Exhibit Number 16,
22 do you recognize that document?

1 (Whereupon Petitioner's Exhibit
2 16 was presented for purposes of
3 identification as of this date.)

4 A. Yes. They are both design exception
5 request project identification. They are a BDE form
6 which is Bureau of Design and Environment. 2600
7 forms are standard forms with the Illinois Department
8 of Transportation. One of them is a design exception
9 request for -- I will just read it. "Proposed
10 exception meets competent criteria. Greater curb
11 length cannot be obtained due to limited conditions
12 between U.S. 45 and the IC railroad. In addition,
13 this is a stock condition location. Salvation
14 location policy will be low due to the turning and
15 stopping condition."

16 By design policy and standards we are
17 required to have, even though we are crossing
18 railroad tracks, even though we are coming up to a
19 stop sign, we still have a 55 mile an hour design
20 speed on this segment of the route road, knowing that
21 with the rail warning signs and the signals and
22 everything else that's a low traffic or low speed

1 area. We could only fit 90-foot vertical curves on
2 the vertical alignment in between the railroad tracks
3 and Route 45 because of their proximity to each
4 other. They required 110-foot rail curbs, so we
5 requested an exception to 90, which was granted on
6 June 29, 2010.

7 The second page has to do with the
8 half shadow, I believe. Yes, this is having to do
9 with the turn lanes, and we asked for a design
10 exception to not do a full eight-foot offset on both
11 sides of the roadway when we enter our left turn
12 lanes on the approach tapers. This project has been
13 designed to deceleration criteria which really makes
14 the intersection spread out pretty far which puts us
15 on two existing box culverts. If we were on top of
16 those box culverts, we would have to replace those
17 box culverts and do extensive work which would slow
18 things up permitting-wise and everything else.

19 So the State allowed us to use a
20 partial shadow which means we only offset four and a
21 half feet instead of the full value of eight, which
22 is required by policy. So we had to request that

1 variance, and again we requested that variance and it
2 was approved on June 29, 2010, by IDOT and the Bureau
3 of Design and Environment.

4 Q. Finally, Mr. Crane, I am showing you what's
5 been marked for purposes of identification as
6 Petitioner's Exhibit Number 17.

7 (Whereupon Petitioner's Exhibit
8 17 was presented for purposes of
9 identification as of this date.)

10 Do you recognize that document?

11 A. Yes, sir. This is basically a sign-off for
12 a special weight screening that we are required to do
13 under a new policy, IDOT policy, that came out in
14 November of last year that requires any project on
15 State property that you do more than 1,000 foot of
16 lineal grading, you have to check for leaking
17 underground storage tanks, any contamination spills
18 and things like that.

19 So we requested a preliminary
20 environmental site assessment, PESA, on March 19,
21 2010, and this basically says that the site is clean,
22 that we are cleared for design and letting as of July

1 1, 2010. This was produced by District 5 from
2 Springfield from the central office.

3 MR. ELLIS: Thank you, Mr. Crane. Your Honor,
4 I have nothing further of Mr. Crane.

5 JUDGE O'BRIEN: Cross?

6 MR. BERMAN: No questions, Your Honor.

7 MR. VON DE BUR: No questions, Your Honor.

8 JUDGE O'BRIEN: IDOT, any questions?

9 MR. MORRIS: No questions.

10 JUDGE O'BRIEN: Thank you.

11 MR. ELLIS: At this time I would move to admit
12 Petitioner's Exhibits 1 through 17.

13 JUDGE O'BRIEN: Any objection to those
14 exhibits?

15 MR. BERMAN: No objection.

16 MR. VON DE BUR: No objection.

17 JUDGE O'BRIEN: The exhibits are hereby
18 admitted.

19 (Whereupon Petitioner's Exhibits
20 1 through 17 were admitted into
21 evidence.)

22 JUDGE O'BRIEN: Anything further for

1 Petitioner?

2 MR. ELLIS: Just simply to note for the record
3 that we do have a draft agreed order.

4 JUDGE O'BRIEN: Anything for any of the
5 Respondents?

6 MR. BERMAN: Illinois central is not presenting
7 any evidence today.

8 JUDGE O'BRIEN: Would the parties waive service
9 of a Proposed Order?

10 MR. ELLIS: Yes.

11 MR. BERMAN: Yes, sir.

12 MR. VON DE BUR: We have no objection to that,
13 Your Honor.

14 MR. MORRIS: No objection.

15 JUDGE O'BRIEN: Ready to mark it heard and
16 taken, Mr. Von De Bur?

17 MR. VON DE BUR: Off the record briefly?

18 JUDGE O'BRIEN: Off the record, yes.

19 (Whereupon there was then had an
20 off-the-record discussion.)

21 JUDGE O'BRIEN: Back on the record then.

22 Having all the evidence before me, I direct the case

1 be marked heard and taken.

2 HEARD AND TAKEN

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